

October 12, 2015

Uniform Law Commission
111 N. Wabash Avenue
Suite 1010
Chicago, Illinois 60602

Dear Uniform Law Commission:

Facebook appreciates the work of the ULC commissioners and staff in crafting a uniform act – the Revised Uniform Fiduciary Access to Digital Assets Act (“RUFADAA”) – which we believe creates a reasonable compromise regarding disposition of digital accounts upon death or incapacitation. We support the enactment of RUFADAA by state legislatures.

Recognizing that this is a sensitive issue involving an extremely complicated legal landscape and each state must conform RUFADAA to its own statutes, we will need to review proposed bills individually before determining our position. Uniformity in state law on this issue is important to Facebook and we are unlikely to support language that materially differs from RUFADAA.

Again, we appreciate the hard work of the ULC on this issue.

Sincerely,

A handwritten signature in black ink that reads "Dan Sachs". The signature is written in a cursive, slightly slanted style.

Dan Sachs
Manager, State Policy
Facebook, Inc.



25 Massachusetts Ave., NW
Washington, DC 20001
Phone: 202-346-1100

October 13, 2015

Ben Orzeske
Chief Counsel
Uniform Law Commission
111 N. Wabash Ave.
Suite 1010
Chicago, IL 60602

Dear Mr. Orzeske:

I am writing to express Google's support for the Revised Uniform Fiduciary Access to Digital Assets Act. We are pleased to have found common accord with the Uniform Law Commission in both of our efforts to address access issues to digital information of decedents and others.

The revised Uniform Act accommodates the needs of settling and administering estates, providing full or limited access to information for guardians, holders of powers of attorney and others assisting people who may be incapacitated, while respecting the account holder's rights to privacy. In addition to commitments made to users, custodians' obligations under the federal Electronic Communications Privacy Act prohibit disclosures of content or account information except under specific circumstances. The Uniform Act appropriately recognizes these limitations and provides a consistent framework for anyone petitioning for information related to the contents of another's account.

Support for this legislation extends only as far as bills based on the Uniform Act remain consistent with it and we reserve the right to support or oppose individual bills based on the Uniform Act after their review.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ron Barnes", is positioned above the typed name.

Ron Barnes
Head of State Legislative Affairs



PEAK TRUST COMPANY
Elevated Trust & Wealth Management Solutions

February 2, 2017

Senator Shelly Hughes
State Senate
State Capitol Room 125
Juneau AK, 99801

Dear Senator Hughes,

On behalf of Peak Trust Company (formerly, Alaska Trust Company), we would like to emphasize the importance of SB 16/HB 108.

This bill provides a meaningful update to Alaska. Since the passage of the Alaska Trust Act in 1997, Alaska has become a premier jurisdiction for trust and estate planning/administration. Our distinctive statutes have made Alaska a top destination for trust and estate business and have provided Alaska with increased revenue, job creation and great benefits for our residents. In order to maintain our "top-tier" status in regard to estate planning, it requires a constant review, appraisal and change to Alaska Statutes.

While Alaska's laws are comprehensive and clear regarding the estate administration of tangible assets (homes, cars and other physical items), we have no statutes regarding the administration or access to digital assets (documents, photographs, email and social media accounts). Without statutory rights, a fiduciary has no authority to access these assets when a client is incapacitated or deceased. Many times, and increasingly so, these digital assets have substantial value and need to be properly managed.

Opponents to SB 16 may raise privacy concerns; however, SB 16 addresses these concerns by adding the ability for an individual to restrict access to certain digital assets. As stated best by the Uniform Law Commission, the bill "provides legal authority for fiduciaries to manage digital assets in accordance with the user's estate plan, while protecting a user's private communications from unwarranted disclosure." (<http://www.uniformlaws.org/shared/docs/Fiduciary%20Access%20to%20Digital%20Assets/Revised%202015/Revised%20UFADAA%20-%20Why%20Your%20State%20Should%20Adopt%20-%20Sep%202015.pdf>)

/HB 108

In summary, without SB 16, fiduciaries in Alaska will not be able to serve the best interests of their clients in regard to digital assets. The trust and estate laws of Alaska have brought us all great benefits and have cost the State nothing. We are looking to continue this fortune for years to come and thank you for your support in helping us to achieve this goal.

With this, we would like to voice our strong support for the ratification of Senate Bill 16/HB 108.

Sincerely,

Matthew Blattmachr

Matthew D. Blattmachr
Vice President and Trust Officer



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Representative Matt Claman
State Capitol, Room 118
Juneau, Alaska 99801-1182

February 14, 2017

Re: HB 108– Revised Uniform Fiduciary Access to Digital Assets Act - Support

Dear Rep. Claman,

On behalf of Alaska's 88,000 AARP members, we offer our support for the Revised Uniform Fiduciary Access to Digital Assets Act (UFADAA), House Bill 108. We thank you for your sponsorship and encourage the passage and enactment of this increasingly important legislation.

This proposed legislation is the consequence of our digital age and the increasing role it plays in everyday lives. We have long accepted the legally defined role of conservator, agent, or executor in carrying out fiduciary duties with respect to tangible assets on behalf of a deceased individual or person incapacitated and unable to make decisions. The many accounts an average person now opens and uses digitally for commerce, banking, entertainment, research, and social networking are complex and are protected by each account's rules of privacy. Companies are reluctant to share information when they've promised not to, and it has been no less murky even in the event of a person's death. The importance of being able to close accounts, avoid unnecessary expenses, and prevent unauthorized account use or identity theft requires new approaches to manage these affairs.

This is an issue in which uniformity of practice makes sense. Digital accounts have no geographical or political boundary lines, whether city, state or nation, and should not be subject to probate laws that vary from state to state. Moreover the UFADAA applies to the four most common types of fiduciaries in any jurisdiction:

- Executors or administrators of deceased persons' estates
- Court-appointed guardians or conservators of protected persons' estates
- Agents appointed under powers of attorney
- Trustees

The proposed UFADAA would give individuals the opportunity to plan for what happens to their digital estate in the same way that they are now able to plan for their tangible estate. Furthermore, the proposed "revised" version has incorporated concerns of privacy advocates, like the ACLU, and many on-line trade association members, including Facebook, Amazon.com, Google, eBay, Expedia, and others. Google and Facebook endorse the revised UFADAA and the ACLU agreed they would not oppose it. Facebook says the revised UFADAA "creates a reasonable compromise regarding disposition of digital accounts upon death or incapacitation."

AARP Alaska appreciates your leadership, Rep. Claman, for bringing this legislation forward, and we support passage and enactment for the benefit of Alaskans.

Respectfully,

Ken Helander, Advocacy Director

Terry Snyder, AARP State President

Real Possibilities

My name is Terry Snyder and I am a resident and voter in Palmer. Thank you for hearing my testimony on HB108.

The very nature of property and our methods of communication have changed dramatically. A generation ago, a human being delivered all our mail to our doors, and we kept photos in albums, documents in file cabinets, and money on deposit at the corner bank. For most people today, a great deal of our property and communications now are stored as data on a computer server and accessed via the Internet. Our digital assets have tremendous financial, emotional, and aesthetic value.

And while the internet has made some things easier for most of us it has made it more complicated for others. It has added an extra layer of complexity to those that are left to settle the estates of our friends, family and loved ones, guardians, trustees and agents appointed under a power of attorney.

Passage of this bill will allow Alaskans the power to plan for the management and disposition of their digital assets in the same way they make plans for their tangible property. I see it as an extension of a life directive of sorts.

Thanks to Representative Claman for bringing this forward and I request the committees consideration of passage of this piece of common sense legislation.



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of
Health and Social Services

ALASKA COMMISSION ON AGING

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March 9, 2017

Representative Mat Claman
Alaska State Capitol, Room 118
Juneau, AK 99801-1182

Subject: Support for HB 108, Access to Digital Assets

Dear Representative Claman:

The Alaska Commission on Aging (ACoA) is pleased to offer our support for HB 108, a bill authored by you and co-sponsored by Representative Scott Kawasaki, that would update Alaska's current law to provide a means for the management and disposition of a person's digital legacy by their designated fiduciary. Based on our understanding, HB 108 is in alignment with the Revised Uniform Fiduciary Access to Digital Assets Act (RUFADAA) of 2015, as promulgated by the Uniform Law Commission, which would make Alaska's statute interstate-compatible and provide legal authority to fiduciaries to manage digital assets in the same manner as tangible property. Moreover, the RUFADAA allows owners of digital assets to specify how they would like their assets to be managed by their fiduciaries – identifying what items to preserve, distribute to heirs, and to be destroyed.

Due to technological advances and the increasing number of Internet users, the accumulation of personal digital assets is becoming more commonplace. These assets often include a wide array of personal digital files such as emails, photos, personal documents as well as digital accounts used for financial, business, social media, retail shopping and other on-line applications. Seniors are increasingly becoming on-line users by necessity as well as for pleasure. For example, the federal government now encourages individuals to apply on-line for Social Security, Medicare, and Medicaid benefits and to electronically submit tax returns. Many financial institutions are going paperless and promote on-line banking. In addition, a growing number of seniors use the Internet to connect with family and friends, share photos, and to shop on-line for lower-priced goods and services. Reportedly, the fastest-growing demographic of Facebook users are women between the ages of 50 to 70 years old.

While the majority of adult Internet users presumably would want their loved ones to have access to their digital assets upon their death or in situations when they become incapacitated and unable to make decisions themselves, it is difficult for fiduciaries to gain access to those assets based on current state law. While providing account passwords to a trusted person may provide access to digital content, that strategy would not necessarily grant the trusted person legal authority to access and manipulate the accounts of a deceased or incapacitated person in a court of law without undue hardship and court expense.

The legal landscape can be challenging for fiduciaries, especially when it comes to managing the estates of persons with digital assets. The Commission supports HB 108 and appreciates your leadership on this legislation to modernize fiduciary law in Alaska.

Sincerely,

Handwritten signature of David A. Blacketer in blue ink.

David A. Blacketer
Chair, Alaska Commission on Aging
Cc: Representative Scott Kawasaki

Sincerely,

Handwritten signature of Denise Daniello in blue ink.

Denise Daniello
ACoA Executive Director